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EXAMINER
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ART UNIT	PAPER NUMBER
2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 March 2008*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *47-50 and 66-75* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *47-50 and 66-75* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to Amendment filed March 28, 2008.

2.   Claims 47-50 and 66-75 are pending in this application. Claims 47, 49, 70-75 are

independent claims.   This Office Action is made final.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this
> or a foreign country, before the invention thereof by the applicant for a patent.

2.   Claims 47-49 and 66-75 are rejected under 35 U.S.C. 102(a) as being anticipated by

Kroening et al. (U.S. 6,080,207).

Re claim 47, Kroening et al. disclose in Figures 1-2 a method to activate a

configuration tool in a configuration server for managing a configurable controlling

function of a terminal system (e.g. abstract and general upgrade architecture is seen in

Figure 1) comprising the steps of: receiving a configuration upgrade message at the

configuration server from a source of an at least partial software upgrade (e.g. from order

entry BOM 15 to the configuration server as image builder 10); saving upgrade

information in a database associated with the configuration server (e.g. storage device 30

as the database associated with the configuration server in Figure 1 and col. 2 lines 16-48

and col. 4 lines 54-60); identifying a plurality of users requiring at least partial software

upgrade (e.g. col. 5 lines 5-52); and thereafter providing the at least partial software

upgrade to respective terminal servers (e.g. image server 40) associated with the plurality

of users identified to require the at least partial software upgrade for subsequent

distribution (e.g. other links to terminals 60-63 in Figure 1) by the terminal servers to

respective terminals of users identified to require the at least partial software upgrade

(e.g. col. 4 line 61 to col. 5 line 6 wherein the delta image can be considered as partial

software upgrade).

Re claim 48, Kroening et al. further disclose in Figures 1-2 updating at least one

terminal equipment associated with a respective terminal server with the at least partial

software upgrade provided to the terminal server (e.g. Figure 1 with at least a one

terminal 60-63 would receive the delta image).

Re claim 49, Kroening et al. disclose in Figures 1-2 the method to activate the

configuration tool in a configuration server for managing a configurable controlling

function of a browser (e.g. abstract, general upgrade architecture in Figure 1, and claim

25 in col. 10), comprising the steps of: receiving an initial upgrade message in the

configuration server from a service provider to provide an end service product (e.g. from

order entry BOM 15 to image builder 10); receiving and saving an end service product in

a database associated with the configuration server (e.g. processes between the storage

device 30 and the image builder 10); identifying a plurality of users having a contract

requiring delivery of the end service product (e.g. col. 5 lines 5-52); and thereafter

providing product information relating to the end service product to respective terminal

servers (e.g. image server 40) associated with the plurality of users (e.g. all the links to

terminal 60-63) identified to have contracts requiring delivery of the end service product

for subsequent distribution by the terminal servers to respective terminals of users

identified to have contracts requiring delivery of the end service product (e.g. col. 4 line

61 to col. 5 line 6 wherein the delta image can be considered as partial software upgrade).

Re claim 66, Kroening et al. further disclose in Figures 1-2 identifying any

terminal servers, following the provision of to which the at least partial software upgrade

which the at least partial software upgrade has not yet been transferred (e.g. col. 7 line 57

to col. 8 line 4).

Re claim 67, Kroening et al. further disclose in Figures 1-2 determining, in

response to activation of a terminal associated with a terminal server, if the terminal

server has been identified as a terminal server to which the at least partial software

upgrade has not yet been transferred and, if so, providing the at least partial software

upgrade to the terminal server (e.g. col. 4 line 61 to col. 5 line 4 and col. 7 line 57 to col.

8 line 4).

Re claims 68-69, these claims have similar limitations cited in claims 66-67

respectively. Thus, claims 68-69 are also rejected under the same rationale as cited in

claims 66-67 respectively.

Re claims 70-71, these claims are system claims have similar limitations cited in

claims 47 and 49 respectively. Thus, claims 70-71 are also rejected under the same

rationale as cited in claims 47 and 49 respectively.

Re claim 72, Kroening et al. disclose in Figures 1-2 configuration server unit

having a configuration tool for managing a configurable controlling function of a

terminal system (e.g. abstract, general upgrade architecture in Figure 1, and claim 25 in

col. 10) comprising: a database (e.g. storage device 30 in Figure 1) for saving upgrade

information provided by a source of an at least partial software upgrade (e.g. as the

baseline image in col. 5 lines 26-36), wherein said database associates the saved upgrade

information with the source of the at least partial software upgrade (e.g. as delta image in

col. 4 line 61 to col. 5 line 5 and col. 5 lines 26-36); and an upgrade server unit (e.g.

image builder 10 in Figure 1) for identifying a plurality of users (e.g. all the terminal

links 60-63) requiring the at least partial software upgrade and for thereafter providing

the at least partial software upgrade to respective terminal servers (e.g. image server 40)

associated with the plurality of users identified to require the at least partial software

upgrade for subsequent distribution by the terminal servers to respective terminals of

users identified to require the at least partial software upgrade (e.g. col. 4 line 61 to col. 5

line 4 and col. 7 line 57 to col. 8 line 4).

Re claim 73, it has similar limitations cited in claim 72. Thus, claim 73 is also

rejected under the same rationale as cited in claim 72.

Re claims 74-75, these claims are computer product claims have similar

limitations cited in claims 47 and 49 respectively. Thus, claims 74-75 are also rejected

under the same rationale as cited in claims 47 and 49 respectively.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

4.   Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kroening et al.

(U.S. 6,080,207) in view of Kyle (U.S. 6,141,681).

Re claim 50, Kroening et al. fail to disclose in Figures 1-2 the end service product

is transferred to the terminal server and a virus search is made to the end service product

prior to conveying the product to the terminal server. However, Kyle teaches virus

search is performed to the product before the next destination (Figure 8; and col. 6 lines

8-17). Therefore, it would have been obvious to one of the ordinary skill in the art at the

time of the invention was made to incorporate Kyle's teaching of searching for Virus into

Kroening's method at the source to provide free virus information to the terminal servers

to protect the servers from viruses and preventing it from transmitting itself across the

network.

Response to Arguments

3.   Applicant's arguments filed March 28, 2008 have been fully considered but they are not

persuasive.

a.   The applicant argues in page 9 last paragraph to page 10 second paragraph for

claims rejected under 35 U.S.C. 102(a) that the cited reference fails to disclose the

limitations "receiving a configuration upgrade message from a source of a software

upgrade" as cited in the claims.

The examiner respectfully submits that the transaction between the component 15

and 20 is considered as a type of configuration upgrade message since the

transaction contains the information relating to the specific software configuration

entered by the client. Thus, the configuration server as the image builder server

20 receives the transaction or a type of configuration upgrade message from a

source as the BOM server as the at least partial software upgrade, similar

configuration is seen in Figure 2.

b.   The applicant argues in page 10 third paragraph for claims rejected under 35

U.S.C. 102(a) that the cited reference by Kroening fails to disclose the step of identifying

a plurality of users having a contract requiring delivery of the end service product or

requiring the software upgrade as cited in all independent claims.

The examiner respectfully submits that the step of identifying a plurality of

users/clients are logically seen throughout the specification, specifically col. 4

lines 4-8, col. 5 lines 5-52 and col. 6 lines 51-60 wherein the image server pushes

the designated image down to the assigned clients through either broadcast or

MIS. The assigned clients for receiving the pushed image are

determined/identified within the broadcast transmission wherein the multicast

transmission as a type of broadcast transmission though broadband.

c.   The applicant argues in page 10 fourth paragraph for claims rejected under 35

U.S.C. 102(a) that the cited reference by Kroening fails to disclose a step of providing a

software upgrade or product information relating to the end service product to respective

servers associated with the plurality of users as cited in the claimed invention.

The examiner respectfully submits that the specific feature/limitation is clearly

seen in Figure 3 and throughout the specification, specifically col. 8 lines 22-34

wherein the delta of image is created in-place of the full-image. Thus, the delta

image is considered as the software upgrade in which it relates to the baseline

image which already exists or deploys in the designated clients.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.

The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc H Nguyen/
Primary Examiner, Art Unit 2143

June 23, 2008